

**MORDIALLOC-BRAESIDE JUNIOR FOOTBALL CLUB**



**ADOPTED**

**The Mighty Red and Whites**

# **Club Rules**

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## 1. NAME, PURPOSE AND COLOURS

- 1.1 The name of the association is MORDIALLOC-BRAESIDE JUNIOR FOOTBALL CLUB (INCORPORATED) and in these Rules is referred to as the "CLUB".
- 1.2 The purposes of the CLUB are to operate a junior Australian Rules football club
- 1.3 The colours of the CLUB shall be Red and White.

## 2. INTERPRETATION OF RULES

- 2.1 In these Rules, unless the contrary appears:-
  - (a) "**Committee**" means the Committee of Management of the CLUB
  - (b) "**Financial Year**" means the year ending on 30th September.
  - (c) "**Ordinary Member of the Committee**" means a member of the Committee who is not an officer of the CLUB under rule 25.
  - (d) "**The Act**" means the Associations Incorporation Reform Act 2012.
  - (e) "**The Regulations**" means regulations under the Act.
  - (f) "**General Meeting**" means a general meeting of members convened in accordance with rule 15.
  - (g) "**Member**" means a member of the CLUB that has a membership in one of the categories described in rule 5.
- 2.2 In these Rules, a reference to the Secretary of the CLUB is a reference:-
  - (a) To the person who holds the office of Secretary of the CLUB; and
  - (b) to the public officer of the CLUB.
- 2.3 Words or Expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

## 3. POWERS OF CLUB

- 3.1 Subject to the Act, the CLUB has power to do all things incidental or conducive to achieve its purposes.
- 3.2 Without limiting subrule 3.1, the CLUB may—
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
- 3.3 The CLUB may only exercise its powers and use its income and assets (including any surplus) for its purposes.

## 4. NOT FOR PROFIT ORGANISATION

- 4.1 The CLUB must not distribute any surplus, income or assets directly or indirectly to its members.
- 4.2 Subrule 4.1 does not prevent the CLUB from paying a member—
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member—if this is done in good faith on terms no more favourable than if the member was not a member.

## **5. APPLICATION FOR MEMBERSHIP**

- 5.1 A person who is approved for membership as provided in these Rules is eligible to be a member of the CLUB on payment of the Annual Subscription payable under these Rules.
- 5.2 There shall be five categories of membership:
- (a) Playing members;
  - (b) Parents of playing members;
  - (c) Supportive members;
  - (d) Honorary members;
  - (e) Life members.
- 5.3 Any person who is registered to play football for the CLUB shall, on payment of the annual registration fee, or if the fee is waived, be considered a playing member.
- 5.4 Any parent or guardian of a registered player shall be considered a parent of a playing member.
- 5.5 Subject to Committee approval any person, on payment of the required fee, is entitled to become a supportive member.
- 5.6 The Committee may grant honorary membership to a person(s) for service to the CLUB. Honorary membership expires at the end of the CLUB'S financial year.
- 5.7 Honorary Members shall have no voting rights at any meeting of the Club.
- 5.8 The CLUB may appoint life members each year in accordance with subrules 5.10 and 5.11.
- 5.9 A person who is not a member of the CLUB shall not be admitted to membership unless his/her admission is approved by the Committee or delegated person.
- 5.10 No person shall be eligible for nomination as a Life Member unless he/she has provided outstanding service and loyalty to the CLUB in a non-playing capacity for a period equal to or in excess of five years.
- 5.11 Nominations for Life Membership shall be made using the following procedure:
- (a) Names of members to be considered for Life Membership shall be submitted in writing to the Secretary at a time specified by the Committee.
  - (b) A Sub-Committee of invited life members will consider all nominations and, providing that at least 60% of the Sub-Committee are in favour such person(s) shall then become life members.

## **6. ANNUAL SUBSCRIPTION**

- 6.1 The annual registration fees for playing members and the annual subscription for supportive members are to be determined at the annual general meeting or at a time agreeable to the members at the annual general meeting.

## **7. REGISTER OF MEMBERS**

- 7.1 The Secretary shall keep and maintain a register of supportive, parents of playing members, honorary and life members in which shall be entered the full name, address for notice last given by the member and date of entry of each member and the register shall be available for inspection by members.
- 7.2 The Registrar shall keep and maintain records of playing members in which shall be entered the full name, address for notice last given by the member and playing details as deemed necessary by the Committee of each member and these records shall be available for inspection by members.
- 7.3 The CLUB must maintain the records referred to in subrules 7.1 and 7.2 for a minimum of 7 years.

## **8. GENERAL RIGHTS OF MEMBERS**

- 8.1 A member of the CLUB who is entitled to vote has the right—
- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and

- (b) to submit items of business for consideration at a general meeting; and
- (c) to attend and be heard at general meetings; and
- (d) to vote at a general meeting; and
- (e) to have access to the minutes of general meetings and other documents of the CLUB as provided under rule 388; and
- (f) to inspect the register of members.

8.2 A member is entitled to vote if—

- (a) the member is over 18 years of age; and
- (b) more than 10 business days have passed since he or she became a member of the CLUB; and
- (c) the member's membership rights are not suspended for any reason.

## **9. RIGHTS NOT TRANSFERABLE**

The rights of a member are not transferable and end when membership ceases.

## **10. RESIGNATION AND CEASING MEMBERSHIP**

- 10.1 All memberships (except Life Members) cease at the end of the calendar year.
- 10.2 The membership of a person may end prior to the end of a calendar year by resignation, cancellation, expulsion or death.
- 10.3 A member may resign by notice in writing given to the CLUB.
- 10.4 At the discretion of the Committee, or delegated person, a playing member may have his/her membership cancelled immediately to allow his/her transfer to another club.
- 10.5 If a person ceases to be a member of the CLUB, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

## **11. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS**

- 11.1 Subject to these Rules, if the Committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming to another member or prejudicial to the interests of the CLUB, the Committee may by resolution-
  - (a) fine that member an amount not exceeding \$500; or
  - (b) suspend a member from membership of the CLUB for a specified period; or
  - (c) expel that member from the CLUB.
- 11.2 A resolution of the Committee under subrule 11.1 does not take effect unless-
  - (a) at a meeting held in accordance with subrule 11.3, the Committee confirms the resolution; and
  - (b) if the member exercises a right of appeal to the CLUB under this rule, the CLUB confirms the resolution in accordance with this rule.
- 11.3 A meeting of the Committee to confirm or revoke a resolution passed under subrule 11.1 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with subrule 11.4.
- 11.4 For the purpose of giving notice in accordance with subrule 11.3, the Secretary must, as soon as practicable, cause to be given to the member a written notice-
  - (a) setting out the resolution of the committee and the grounds on which it is based; and
  - (b) stating that the member, or his or her representative, may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member, and
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member that he or she may do one or more of the following:-
    - (i) attend that meeting;

- (ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
  - (e) informing the member that, if at that meeting, the Committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the CLUB in a general meeting against the resolution.
- 11.5 At a meeting of the Committee to confirm or revoke a resolution passed under subrule 11.1, the Committee must-
  - (a) give the member, or his or her representative, an opportunity to be heard; and
  - (b) give due consideration to any written statement submitted by the member, and
  - (c) determine by resolution whether to confirm or to revoke the resolution.
- 11.6 If at the meeting of the Committee, the Committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the CLUB in a general meeting against the resolution.
- 11.7 If the Secretary receives a notice under subrule 11.6, he or she must notify the Committee and the Committee must convene a general meeting of the CLUB to be held within 21 days after the date on which the Secretary received the notice.
- 11.8 At a general meeting of the CLUB convened under subrule 11.7-
  - (a) no business other than the question of the appeal may be conducted, and
  - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
  - (c) the member, or his or her representative, must be given an opportunity to be heard; and
  - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked; and
  - (e) a member may not vote by proxy at the meeting.
- 11.9 A resolution is confirmed if, at the general meeting, not less than two-thirds of the members present vote in favour of the resolution. In any other case, the resolution is revoked.

## **12. DISPUTES AND MEDIATION**

- 12.1 The grievance procedure set out in this rule applies to disputes under these Rules between-
  - (a) a member and another member ; or
  - (b) a member and the Committee; or
  - (c) a member and the CLUB.
- 12.2 The parties to the dispute must meet and discuss the matter in dispute, and if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- 12.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days-
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- 12.4 The mediator must be-
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement-
    - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the CLUB; or
    - (ii) in the case of a dispute between a member and the CLUB, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria.
- 12.5 A member of the CLUB can be a mediator.
- 12.6 The mediator cannot be a member who is a party to the dispute.
- 12.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- 12.8 The mediator, in conducting the mediation, must-
- (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 12.9 The mediator must not determine the dispute.
- 12.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

### **13. TYPES OF GENERAL MEETINGS**

- 13.1 All general meetings, other than the annual general meeting, shall be called special general meetings.

### **14. ANNUAL GENERAL MEETING**

- 14.1 The CLUB shall in each calendar year convene an annual general meeting of its members which shall be held on such a day as the Committee determines.
- 14.2 The order of business of the annual general meeting shall be:-
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Committee reports upon the transactions of the CLUB since the last annual general meeting;
  - (c) to elect officers of the CLUB and the ordinary members of the Committee; and
  - (d) to receive and consider the financial statement submitted by the CLUB in accordance with Part 7 of the Act; and
  - (e) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- 14.3 The annual general meeting may transact special business in which notice is given in accordance with these Rules.
- 14.4 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

### **15. SPECIAL GENERAL MEETING**

- 15.1 The Committee may, whenever it thinks fit, convene a special general meeting of the CLUB.
- 15.2 The Committee shall, on the requisition in writing by at least 10% of the total number of members convene a special general meeting of the CLUB.
- 15.3 The requisition for a special general meeting shall state the objectives of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 15.4 If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three months after that date.
- 15.5 A special general meeting convened by members pursuant to these Rules shall be convened in much the same manner to those meetings which are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the CLUB to the persons incurring such expenses.

### **16. NOTICE OF GENERAL MEETINGS**

- 16.1 The Secretary of the CLUB shall, at least 14 days before the date fixed for holding a general meeting of the CLUB, cause to be sent to each member of the CLUB at his/her address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.



- 16.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 16.3 Any member desirous of moving any special resolution at a general meeting or the annual general meeting shall give notice, in writing to the Secretary not less than 21 days before the date of such a meeting.
- 16.4 If a special resolution is to be proposed the notice must state in full the proposed resolution and state the intention to propose the resolution as a special resolution.
- 16.5 This rule does not apply to a disciplinary appeal meeting.

## **17. PROCEEDINGS AT GENERAL MEETINGS**

- 17.1 All business that is transacted at a general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- 17.2 No item of business shall be transacted at a general meeting unless a quorum of 8 members entitled under these rules to vote is present during the time when the item is being considered.
- 17.3 If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present shall be a quorum.

## **18. CHAIRMAN OF GENERAL MEETINGS**

- 18.1 The President, or in his/her absence, the Senior or Junior Vice-President, shall preside as Chairman at each general meeting of the CLUB.
- 18.2 If the President and Vice-Presidents are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

## **19. ADJOURNMENT OF GENERAL MEETING**

- 19.1 The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place.
- 19.2 No business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

## **20. ATTENDANCE AND RIGHT TO VOTE AT GENERAL MEETINGS**

- 20.1 Any person may attend any general meeting of the CLUB, however, only CLUB members over the age of eighteen (18 years) and Committee members shall be eligible to vote.
- 20.2 A member is not entitled to vote at any general meeting unless all moneys due and payable by him/her to the CLUB have been paid.
- 20.3 Members eligible to vote in the election of the Committee of the CLUB shall be supportive members, parents of playing members, and life members, providing that the total numbers of such members comprises at least 60% of the total membership of the CLUB. Where the total numbers of supportive members, parents of playing members, and Life Members is less than 60% of CLUB membership, every financial member of the CLUB shall be entitled to vote in the election of the CLUB Committee.

## **21. VOTING AT GENERAL MEETINGS**

- 21.1 Upon any question arising at a general meeting of the CLUB, a member has one vote only. All votes shall be given personally.
- 21.2 In the case of an equality of voting on a question, the Chairman of the meeting shall have a second or casting vote.
- 21.3 If at a meeting a secret ballot on any question is demanded by more than two members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the secret ballot shall be deemed to be a resolution of the meeting on that question.

## **22. PROXIES**

- 22.1 The CLUB does not permit the use of proxies and all members wanting to vote or speak on his/her behalf at a general meeting must do so in person or in accordance with rule 23.

## **23. USE OF TECHNOLOGY**

- 23.1 A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- 23.2 For the purposes of this Part, a member participating in a general meeting as permitted under subrule 23.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## **24. COMMITTEE OF MANAGEMENT**

- 24.1 The affairs of the CLUB shall be managed by a Committee of Management.
- 24.2 The Committee:-
- (a) shall control and manage the business and affairs of the CLUB;
  - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the CLUB other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the CLUB; and
  - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the CLUB And
  - (d) shall be entitled to vote at all general meetings of the CLUB.
- 24.3 The Committee shall consist of:-
- (a) the officers of the CLUB; and
  - (b) a minimum of 4 and a maximum of 20 ordinary members each of whom shall be elected at the annual general meeting of the CLUB in each year.
- 24.4 Each member of the Committee shall, subject to these rules, hold office until the annual general meeting next after the date of his/her election but is eligible for re-election.
- 24.5 For the purposes of these rules, the office of an officer of the CLUB or of an ordinary member of the Committee becomes vacant if the officer or member:-
- (a) ceases to be a member of the CLUB;
  - (b) becomes an insolvent under administration within the meaning of Corporations Act; or
  - (c) resigns his/her office by notice in writing given to the Secretary;
  - (d) misses two consecutive meetings without providing a sufficient reason to the Committee.

## **25. OFFICERS OF THE CLUB**

- 25.1 The officers of the CLUB shall be:-
- (a) a President
  - (b) a Senior Vice-President
  - (c) a Junior Vice-President
  - (d) a Treasurer
  - (e) a Secretary, and
  - (f) a Registrar;
- 25.2 In the event of a casual vacancy in any office referred to in subrule 25.1, the Committee may appoint one of its' members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his/her appointment.

## **26. ORDINARY COMMITTEE MEMBERS**

- 26.1 In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the CLUB to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the next annual general meeting following the date of his/her appointment.

## **27. ELECTION OF COMMITTEE MEMBERS**

- 27.1 Nominations of candidates for election as officers of the CLUB or as ordinary members of the Committee:-
- (a) shall be made in writing, signed by two members of the CLUB and accompanied by the written consent of the candidate;
  - (b) shall be delivered to the Secretary of the CLUB ;
  - (c) the minimum age for a Committee member is 18 years of age.
  - (d) in the event of a person nominated for an officer position not being elected, that person is then automatically nominated for a position as an Ordinary Committee member.
- 27.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- 27.3 If the number of nominations received equals the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 27.4 If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held. The secret ballot shall be conducted in such usual and proper manner as the Committee may direct.

## **28. PROCEEDINGS OF COMMITTEE**

- 28.1 The Committee shall meet at least 8 times in each year at such a place and such times as the Committee may determine.
- 28.2 Special meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.
- 28.3 Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 28.4 A minimum of 60% of the Committee constitute a quorum for the transaction of the business of the meeting of the Committee.
- 28.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to a place and time determined by those present and written notice of that meeting shall be given to all members of the Committee, and those attending such second meeting may transact the business brought forward, whether there be a quorum present or not.
- 28.6 At meetings of the Committee the President or in his/her absence the Senior or Junior Vice-President shall preside. If the President and the Vice-Presidents are absent, the Committee members present shall elect one of their members to preside.
- 28.7 Questions arising at a meeting of the Committee shall be determined on a show of hands or, if demanded by a member, by a secret ballot taken in such manner as the person presiding at the meeting may determine.
- 28.8 Each Committee member present at a Committee Meeting is entitled to one vote and, in the event of any equality of votes on any question, the person presiding shall have a second or casting vote.
- 28.9 Written notice of each Committee Meeting shall be served on each member of the Committee by delivering it to him/her at a reasonable time before the meeting, or by sending it by pre-paid post addressed to him/her at his/her usual or last known place of abode, or by sending it by email or fax at least two business days before the date of the meeting.

## **29. MINUTES OF MEETINGS AND RECORD OF ATTENDANCE**

29.1 The Secretary of the CLUB shall keep minutes of the resolutions and proceedings of each general meeting and each Committee meeting together with a record of the names of persons present at Committee meetings.

## **30. RESIGNATION OR REMOVAL OF MEMBER OF COMMITTEE**

30.1 A committee member may resign from the Committee by written notice addressed to the Committee.

30.2 The CLUB in general meeting may by resolution remove any member of the Committee before the expiration of his/her term of office and appoint another member in his/her stead to hold office until the expiration of the term of the first-mentioned member.

## **31. FILLING CASUAL VACANCIES**

31.1 The Committee may appoint an eligible member of the CLUB to fill a position on the Committee that—

- (a) has become vacant under rule 30; or
- (b) was not filled by election at the last annual general meeting.

31.2 If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days, or as near as practicable, after the vacancy arises.

31.3 Rule 24 applies to any committee member appointed by the Committee under subrule 31.1 or 31.2.

31.4 The Committee may continue to act despite any vacancy in its membership.

## **32. TREASURER**

32.1 The Treasurer must—

- (a) receive all moneys paid to or received by the CLUB and issue receipts for those moneys in the name of the CLUB; and
- (b) ensure that all moneys received are paid into the account of the CLUB within 5 working days after receipt; and
- (c) make any payments authorised by the Committee or by a general meeting of the CLUB from the CLUB's funds; and
- (d) ensure cheques are signed by at least 2 committee members.

32.2 The Treasurer must—

- (a) ensure that the financial records of the CLUB are kept in accordance with the Act; and
- (b) coordinate the preparation of the financial statements of the CLUB and their certification by the Committee prior to their submission to the annual general meeting of the CLUB.

32.3 The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the CLUB.

## **33. SOURCE OF FUNDS**

33.1 The funds of the CLUB may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

## **34. MANAGEMENT OF FUNDS**

34.1 The CLUB must open an account(s) with a financial institution from which expenditure of the CLUB is made and into which the CLUB's revenue is deposited.

34.2 Subject to any restrictions imposed by a general meeting of the CLUB, the Committee may approve expenditure on behalf of the CLUB.

34.3 The Committee may authorise the Treasurer to expend funds on behalf of the CLUB (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

- 34.4 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- 34.5 All funds of the CLUB must be deposited into the financial account of the CLUB no later than 5 working days after receipt.
- 34.6 With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **35. FINANCIAL RECORDS**

- 35.1 The CLUB must keep financial records that—
  - (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by the Act.
- 35.2 The CLUB must retain the financial records for 7 years after the transactions covered by the records are completed.
- 35.3 The Treasurer must keep in his or her custody, or under his or her control—
  - (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

### **36. FINANCIAL STATEMENTS**

- 36.1 For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the CLUB are met.
- 36.2 Without limiting subrule 36.1, those requirements include—
  - (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the annual general meeting of the CLUB;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

### **37. COMMON SEAL OF THE CLUB**

- 37.1 The Common Seal of the CLUB shall be kept in the custody of the Secretary.
- 37.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Committee or of a member of the Committee and of the Public Officer of the CLUB.

### **38. NOTICES**

- 38.1 A notice may be served by or on behalf of the CLUB upon any member either personally or by sending it by post to the member at his/her address shown in the Register of Members, or by email or facsimile transmission.
- 38.2 Where a document is properly addressed, pre-paid and posted to a person as a letter, the document shall, unless the contrary is proven, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

### **39. CUSTODY AND INSPECTION OF BOOKS AND RECORDS**

- 39.1 Members may on request inspect free of charge—
  - (a) the register of members;
  - (b) the minutes of general meetings;
  - (c) subject to subrule 39.2, the financial records, books, securities and any other relevant document of the CLUB, including minutes of Committee meetings.

- 39.2 The Committee may refuse to permit a member to inspect records of the CLUB that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the CLUB.
- 39.3 The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- 39.4 Subject to subrule 39.2, a member may make a copy of any of the other records of the CLUB referred to in this rule and the CLUB may charge a reasonable fee for provision of a copy of such a record.
- 39.5 For purposes of this rule—
- relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the CLUB and includes the following—
- (a) its membership records;
  - (b) its financial statements;
  - (c) its financial records;
  - (d) records and documents relating to transactions, dealings, business or property of the CLUB.

#### **40. WINDING UP AND CANCELLATION**

- 40.1 The CLUB may be wound up voluntarily by special resolution.
- 40.2 In the event of the winding up or the cancellation of the incorporation of the CLUB, the surplus assets of the CLUB must not be distributed to any members or former members of the CLUB.
- 40.3 Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the CLUB and which is not carried on for the profit or gain of its individual members.
- 40.4 The body to which the surplus assets are to be given must be decided by special resolution.

#### **41. BY-LAWS**

- 41.1 The Committee may from time to time make, add to, delete, or alter such by-laws of the CLUB (providing such by-laws or alterations are not inconsistent with these Rules) as they think expedient for the good management and well being of the CLUB.

#### **42. ALTERATION OF RULES**

- 42.1 These Rules of the CLUB shall not be altered except in accordance with the Act.